## UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

Docket No. 3123

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission 36

S. PIC

#### TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application P.O. Box 1450 Alexandria, VA 22313-1450

O					Alexandria, V	A 22313-1450			
Transmitte	ed her	ewith for	filing under 3	5 U.S	5.C. 111(a) and	37 C.F.R. 1.53	3(b) is a new utility patent a	pplication for an	
invention									
CAPSU	LE SY	(STEM						U.S. PTO	
and invent	ted by	<u>':</u>							
, BRUCE	<b>A.</b> F	RESTO	NE and THAO	T. TI	RAN			10	
								"	
•									
If a CON	TINU	ATION A	PPLICATION,	, chec	ck appropriate b	oox and supply	the requisite information:		
⊠ Con	tinuat	tion 🗆	Divisional		Continuation-	-in-part (CIP)	of prior application No.:	09/760,133	
Which is	a:								
X Con	tinuat	tion 🗆	Divisional		Continuation-	-in-part (CIP)	of prior application No.:	09/262,623	
Which is	a:								
☐ Con	tinuat	tion 🗌	Divisional		Continuation-	-in-part (CIP)	of prior application No.:		
Enclosed	are:								
					Application	n Elements			
1. 🗷	Filir	ng fee as	calculated an	d tran	nsmitted as desc	cribed below			
2 50									
2. 🗷	Spe	cification	n naving	TWI	ENTY (20)	_ pages and ir	ncluding the following:		
a.	X	Descriptive Title of the Invention							
b.	X	Cross References to Related Applications (if applicable)							
C.		Statement Regarding Federally-sponsored Research/Development (if applicable)							
d.		Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix							
e.	X	Background of the Invention							
f.	X	Brief Summary of the Invention							
g.	X	Brief Description of the Drawings (if filed)							
h.	X	Detailed Description							
i.	X	Claim(s) as Classified Below							
j.	X	Abstrac	t of the Disclo	sure					

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Applicati n Elements (C ntinued)

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Total Pages in this Submission 36

3.	X	Drawing(s) (when necessary as prescribed by 35 USC 113)									
	a.	Formal Number of Sheets ONE (1)									
	b.	☐ Informal Number of Sheets									
4.	X	ath or Declaration									
	a.	☐ Newly executed (original or copy) ☐ Unexecuted									
	b.	Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)									
	C.	With Power of Attorney □ Without Power of Attorney									
	d.	☐ <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).									
5.	X	Incorporation By Reference (usable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.									
6.		CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)									
7.		Application Data Sheet (See 37 CFR 1.76)									
8.		Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)									
	a.	☐ Computer Readable Form (CRF)									
	b.	☐ Specification Sequence Listing on:									
		i.   CD-ROM or CD-R (2 copies); or									
		ii. 🔲 Paper									
	C.	☐ Statement(s) Verifying Identical Paper and Computer Readable Copy									
		Accompanying Application Parts									
9.		ssignment Papers (cover sheet & document(s))									
10.		37 CFR 3.73(B) Statement (when there is an assignee)									
11.		glish Translation Document (if applicable)									
12.		ormation Disclosure Statement/PTO-1449									
13.	X	Preliminary Amendment									
14.	X	Return Receipt Postcard (MPEP 503) (Should be specifically itemized)									
15.		Certified Copy of Priority Document(s) (if foreign priority is claimed)									
16.	X	Certificate of Mailing									
		☐ First Class ☑ Express Mail (Specify Label No.): EV 108189469 US									

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#### Accompanying Application Parts (C ntinued)

17.	Additional Enclosures (please identify below):
	Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)
8.	Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.
	Warning
	An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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**Total Pages in this Submission** 36

#### Fee Calculation and Transmittal

CLAIMS AS FILED								
For	#Filed	#Allowed	#Extra		Rate	Fee		
Total Claims	20	- 20 =	0	x	\$18.00	\$0.00		
Indep. Claims	2	- 3 =	0	×	\$86.00	\$0.00		
Multiple Dependent Claims (check if applicable)								
					BASIC FEE	\$770.00		
OTHER FEE (specify purpose)								
					TOTAL FILING FEE	\$770.00		
A check in the a	amount of \$	770.00 to 0	cover the filin	g fee is	enclosed.	-		

The Director is hereby authorized to charge and credit Deposit Account No. as described below.

08-0114

□ Charge the amount of

as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: NOVEMBER 21, 2003

WALTER A. HACKLER, Ph.D. PATENT LAW OFFICE

2372 S.E. BRISTOL STREET, SUITE B

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CC:

PATENT TRADEMARK OFFICE